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REMARKS

The official action dated December 26, 2006 has been carefully considered. In view of the following remarks, reconsideration is respectfully requested.

The official action identified the application as containing five patentably distinct inventions. Specifically, the official action required restriction to one of claims 11-19 (invention I), claims 26-43 (invention II), claims 45-46 (invention III), claims 49-52 (invention IV), or claims 59-64 (invention V).

As set forth in detail below, without denying that the claims are patentably distinct, the applicants traverse this restriction requirement. Subject to this traversal and in accordance with the requirements of 37 C.F.R. § 1.143, the applicants hereby provisionally elect claims 11-19 for further prosecution in this application. However, reconsideration and withdrawal of the restriction requirement is respectfully requested in view of the following remarks.

It is respectfully submitted that the examiner has not met the at least one of the burdens required to issue a proper restriction requirement. The M.P.E.P. clearly states that there are two criteria which *must* be met for a requirement for restriction to be proper: (1) the inventions must be independent or distinct as claimed; and, (2) there must be a serious burden on the examiner if restriction is not required. (M.P.E.P. § 803). As explained below, the official action fails to show that there would be a serious burden on the examiner if restriction is not required. Accordingly, the restriction requirement is procedurally improper and must be withdrawn.

As cleary set forth in the M.P.E.P., "...a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation of separate

classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02." (M.P.E.P. § 803).

In this instance, although the offical action identifies certain differences in claim language that the examiner believes to reflect patentably distinct inventions, it fails to show that many of the alleged inventions are separately classified, have a separate status in the art, or require different fields of search. Indeed, the official action makes no effort to show a serious burden would be placed on the examiner if restriction were not required. Thus, it is clear that the official action fails to address the second required criteria for restriction set forth in the M.P.E.P. In view of the following mandate, this failure to address the second required criteria for issuing a restriction requirement is particularly clear:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

(M.P.E.P. § 803)(emphasis added).

The applicants respectfully submit that claims 11-19 (invention I), 45 and 46 (invention III), and 49-52 (invention IV), all of which have been classified by the examiner within the same class and subclass, can be examined together without serious burden on the examiner. Additionally, the applicants respectfully submit that remaining claims 26-43 (invention II) and 59-64 (invention V) can be examined together without serious burden on the examiner.

From the foregoing, it is plainly evident that the official action fails to show that there would be a serious burden on the examiner if restriction is not required. Accordingly, the applicants respectfully submit that the requirement for restriction must be withdrawn.

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The Commissioner is hereby authorized to refund any overpayment and charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-0383.

Respectfully submitted,

By: _____
Georgann S. Grunebach
Registration No. 33,179

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The DirecTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
El Segundo, CA 90245-0902
(310) 964-4615